

Office of Professional Accountability (OPA) Commendations & Complaints Report August 2005

Commendations:

Commendation Received in August: 21

Commendations Received to Date: 250

Rank	Summary
(1) Detective	A detective received multiple commendations for his work on identity theft.
(4) Officers	A note of gratitude was received by four officers for their professionalism and excellence in handling a domestic violence situation. They were thorough, fair and provided the means to resolve the immediate situation.
(1) Officer	An officer received a note of thanks for the bike training he provided to community college security officers.
(1) Officer	An officer received a pat on the back and an "Atta-Boy" from out of town visitors. He was able to help them out with a parking problem and it was very much appreciated.
(9) Officers	Three reported stolen vehicles equipped with silent alarms were tracked and recovered within minutes of activation. Officers were commended for their proficiency in tracking the silent signal transmitting from the stolen vehicles.
(1) PEO	A note of appreciation was received by a PEO for his assistance with illegally parked vehicles in the Capitol Hill area.
(2) Officers (1) Civilian	A letter of thanks was received by two officers and a civilian for their presentation to a citizen's union delegation.
(1) Officer	A letter was received commending the actions of an officer for his attentiveness in spotting a car parked suspiciously and taking the initiative to investigate.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

August 2005 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

Synopsis	Action Taken
It was alleged that the named officer, while working off-duty at a sporting event, acted in a manner that was unprofessional when he made comments to the fans described as harassing or taunting. The named officer is also alleged to have grabbed a	Several independent witnesses described similar conduct and statements by the named officer, both to the crowd in general and to the subject in particular. Finding CUBO–SUSTAINED.

subject by his clothing, applied handcuffs too tightly to him, and struck him with an object while handcuffed.	The evidence did not prove or disprove that the officer applied handcuffs too tightly or inappropriately or struck the subject with an object while handcuffed. Finding FORCE–NOT SUSTAINED.
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MISUSE OF AUTHORITY

Synopsis	Action Taken
The complainant alleges he was stopped because of his race, arrested without justification, searched his car improperly, slammed into the car, and handcuffed him too tightly.	<p>The named employees' stated they stopped the complainant for excessive speed. It was dark at the time of the stop, and there were no comments about race. Both officers stated that they did not know the race of the complainant prior to the stop. The allegation of Biased Policing is UNFOUNDED. The named employees' state they arrested the complainant for obstruction when he refused to give his license and registration and would not answer the question about whether there were weapons in the car. The evidence is not conclusive regarding justification for the arrest, and therefore for the search incident to the arrest. The findings for both Misuse of Authority and Improper Search are NOT SUSTAINED.</p> <p>It is not clear how the subject was removed from the vehicle. The named employees deny using any force. The witness stated that the subject was arguing and it got combative. The subject's booking photos did not show any visible injuries. Both employees did state they checked the subject's handcuffs. Finding on Unnecessary Force – NOT SUSTAINED.</p>

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

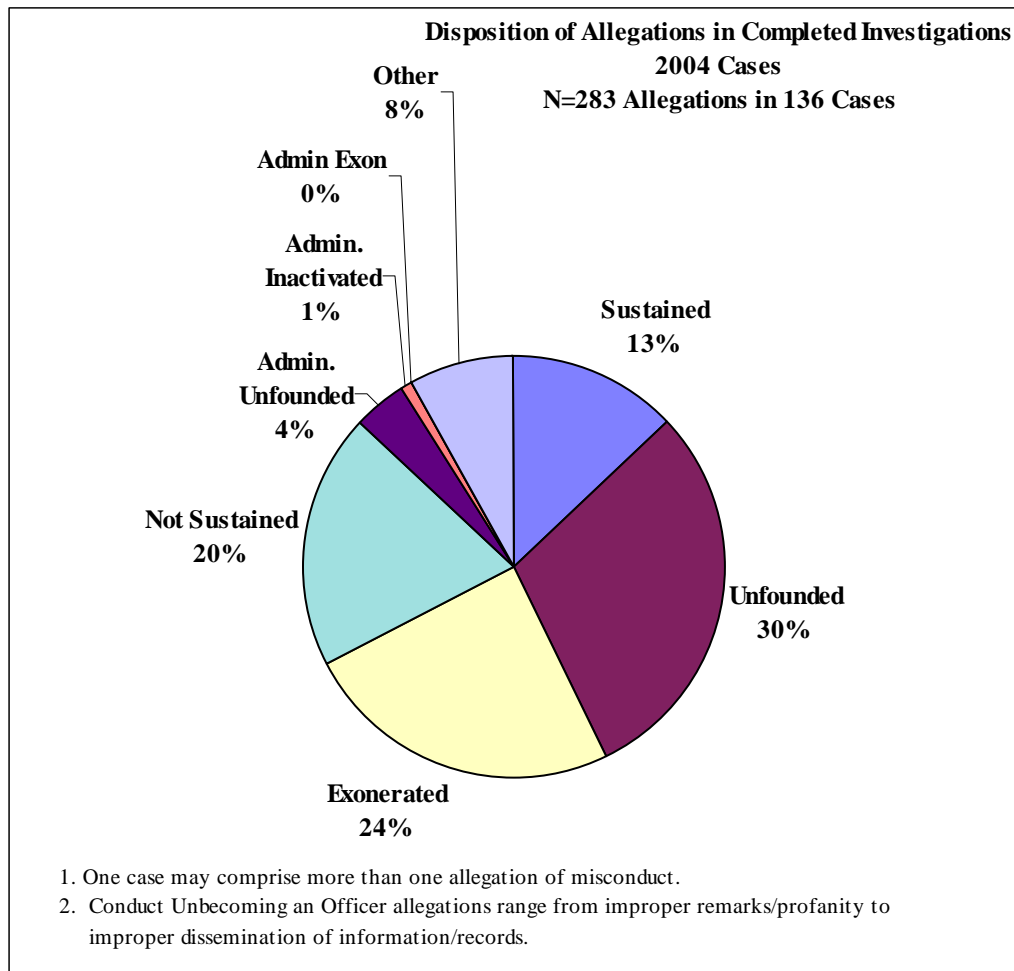
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:

2004 Contacts

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	20	136*
Commendations	41	702

*includes 2004 cases closed in 2005



2005 Contacts

	Aug 2005	Jan-Dec 2005
Preliminary Investigation Reports	60	219
Cases Assigned for Supervisory Review	5	52
Cases Assigned for Investigation (IS;LI)	22	158
Commendations	21	250

